

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

PREAMBLE

1. Sections Affected

Article 1
R2-20-101
R2-20-102
R2-20-103
R2-20-104
R2-20-105
R2-20-106
R2-20-107
R2-20-108
R2-20-109
R2-20-110
R2-20-111
R2-20-112
R2-20-113

Rulemaking Action

New Article
New Section
New Section
New Section
New Section
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New Section
New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 16-956(D), 16-956(B)(4), 16-958(F).

Rulemaking by the Citizens Clean Elections Commission ("Commission") is not subject to Title 41, Article 3, Chapter 6, but instead is governed by A.R.S. § 16-956(D). Section 16-956(D) provides that the "Commission rulemaking is exempt from title 41, article 3, chapter 6, except that the Commission shall submit the rules for publication and the Secretary of State shall publish the rules in the Arizona Administrative Register. The Commission shall propose and adopt rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed." These rules were proposed by the Commission at a public meeting on January 31, 2000 and published on the Commission's web page (www.ccec.state.az.us) on February 2, 2000. A public hearing was held on April 4, 2000.

Implementing statutes: A.R.S. §§ 16-940 through 16-961.

3. The effective date of the rules:

The rules were adopted by the Commission in an open meeting on April 5, 2000. The rules were then submitted to the United States Department of Justice for preclearance pursuant to Section 5 of the Voting Rights Act. The rules will become effective upon preclearance by the U.S. Department of Justice.

4. List of all previous notices appearing in the register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 6 A.A.R. 479, January 28, 2000

Notice of Proposed Rulemaking: 6 A.A.R. 740, February 25, 2000

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Colleen Connor, Executive Director
Citizens Clean Elections Commission

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Telephone: (602) 263-4768

Fax: (602) 263-4784
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6. An explanation of the rule, including the agency's reasons for initiating the rule:

The Citizens Clean Elections Commission is complying with A.R.S. §§ 16-956(D), 16-956(B)(4) and 16-958(F). These statutes allow the Commission to enact rules to carry out the purposes and provisions of the Citizens Clean Elections Act (A.R.S. §§ 16-940 through 16-961), to implement the reporting requirements of A.R.S. § 16-958(D) and (E), and to provide procedures for the inspection of a candidate's bank accounts, campaign financial reports, and financial records relating to the candidate's campaign.

7. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Not applicable

10. A description of changes between the proposed rule, including supplemental notice, and final rule (if applicable):

The changes to the proposed rules are shown below with strike out (~~strike out~~) and underline. There were no substantive changes between the proposed rules and the final rules. Technical, grammatical, stylistic, and format changes recommended by staff, counsel, and members of the public were implemented to make the rules more concise and easier to understand.

11. A summary of the principal comments and the agency responses to them:

Written comments from three individuals and oral comments were taken at a public hearing held on March 27, 2000. After review of these comments several modifications were made to the rules and incorporated into the final rule package.

12. Any other matter prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rule follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Section

- R2-20-101. Definitions
- R2-20-102. Prior Activities
- R2-20-103. Campaign Accounts
- R2-20-104. Use of Funds
- R2-20-105. Determining Contributions and Expenditures
- R2-20-106. In-kind Contributions
- R2-20-107. Candidate's Use of Personal Motor Vehicle or Aircraft
- R2-20-108. Commission Procedures for Disbursements
- R2-20-109. Procedures for Verifying Original Reporting Slips
- R2-20-110. Reporting Procedures and Requirements
- R2-20-111. Refunding Unused Campaign Funds
- R2-20-112. Books and Records Requirements
- R2-20-113. Withdrawal or Resignation of a Participating Candidate

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R2-20-101. Definitions

In addition to the definitions provided in A.R.S. §§ 16-901 and 16-961, the following shall apply to the Chapter, unless the context otherwise requires:

1. "Act" means the Citizens Clean Elections Act set forth in the Arizona Revised Statutes, Title 16, Chapter 6, Article 2.
2. "Early contributions" means those contributions that are permitted pursuant to A.R.S. § 16-945.
3. "Family Member" means parent, grandparent, spouse, child or sibling of the candidate or a parent or spouse of any of those persons.
4. "Fair market value" means the price a willing buyer would pay and a willing seller would accept.
5. "Fund" means the Citizens Clean Election Fund established pursuant to A.R.S. § 16-949(D).
6. "Public Funds" includes all monies deposited into the Citizens Clean Election Fund and all other monies present in the candidate's account when such funds are deposited. Early contributions and candidates' personal monies expended prior to receipt of monies from the Fund shall not be deemed public funds.

R2-20-102. Prior Activities

- A. Except as provided in subsection B, Neither the Act nor these rules apply to a participating candidate's fund-raising activities completed on or before February 16, 1999.
- B. For purposes of calculating equalizing funds pursuant to A.R.S. § 16-952 or reporting under the Act, contributions or expenditures made after the date of the last general election are considered "contributions during the election cycle to date" or "expenditures . . . made through the end of the primary election period" unless otherwise provided in these rules.
- C. Before a candidate files an application to become a participating candidate, the candidate shall ensure that any amount in the candidate's campaign account or exploratory account in excess of permitted personal monies, early contributions, and debt-retirement contributions is:
 1. Spent lawfully in a way that does not constitute a direct campaign purpose;
 2. Remitted to the Fund, in the case of permitted early contributions; or
 3. Transferred out of the account as disposal of surplus monies.
- D. An expenditure made from a candidate's campaign account or exploratory account existing on or after February 16, 1999 and in compliance with A.R.S. Title 16, Chapter 6, before the end of the qualifying period will not prevent a candidate from becoming a participating candidate under the Act.
- E. A candidate may use assets such as signs, pamphlets, and office equipment from an earlier election cycle only after the candidate's current campaign account acquires the assets for an amount equal to the fair market value of the assets. If the candidate was a participating candidate during the earlier election cycle, the cash payment shall be made to the Fund. If the candidate was not a participating candidate during the earlier election cycle, the cash payment shall be made to the prior campaign account.

R2-20-103. Campaign Accounts

- A. During an election cycle, each participating and nonparticipating candidate shall conduct all campaign financial activities through a single campaign account and any petty cash account as are permitted by law.
- B. A candidate may maintain a campaign account other than the campaign account described in subsection (A) if the other campaign account is for a campaign in a prior election cycle in which the candidate was not a participating candidate.
- C. During the exploratory period, a candidate may receive debt-retirement funds for a campaign during an earlier election cycle if the funds are deposited in the account for that campaign.
- D. A candidate shall not deposit funds described in subsection (C) in the account described in subsection (A).
- E. A candidate shall file any campaign finance report required by statute on financial activity for a current election cycle separately from any report on financial activity for a previous election cycle.
- F. The Commission shall not consider a contribution to a candidate to retire debt from a previous election cycle to be a "contribution during the election cycle to date" or "expenditures... made through the end of the primary election period" for purposes of calculating equalizing funds under A.R.S. § 16-952(B) or reporting under A.R.S. §§ 16-941(B)(2)(b) and 16-958(A).

R2-20-104. Use of Funds

- A. Participating candidates shall use campaign account funds only for direct campaign purposes. Expenditures for direct campaign purposes include but are not limited to:
 1. Written materials, pins, bumper stickers, handbills, brochures, posters, yard signs, newsletters and tabloids;
 2. Travel expenses including mileage reimbursement and lodging when out of town;
 3. Communication expenses, advertising, purchase of media space and time, direct mail services, postage, telephone banks and calling services, and long-distance charges;
 4. Headquarter expenses and lease and utility expenses;
 5. Expenses of volunteers, food for staff and volunteers, and staff salaries and other compensation;
 6. Office supplies;
 7. Accounting, reporting, clerical, campaign advisory, and other consulting services; and

8. Public relations expenses, membership dues, and amounts allowable under subsection (C) for attendance at political events.
- B.** A participating candidate shall not use campaign account funds for:
 1. Costs of legal defense in any campaign law enforcement proceeding;
 2. Indirect campaign purposes including
 - a. The candidate's personal support;
 - b. The candidate's personal appearance;
 - c. Capital assets having a value in excess of \$500.00 and a useful life extending beyond the end of the current election period determined in accordance with generally accepted accounting principles;
 - d. A contribution to the campaign of another;
 - e. An independent expenditure;
 - f. A loan to another;
 - g. A gift in excess of \$25 per person;
 - h. Any payment or transfer for which compensating value is not received;
 - i. Compensation to the candidate;
 - j. Compensation to a candidate's family member; or
 - k. A contribution to any political party.
- C.** A participating candidate's payment from a campaign account to a political committee or civic organization is not a contribution if the payment is reasonable in relation to the value received. Payment of customary charges for services rendered, such as for printing voter or telephone lists, and payment of not more than \$150 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.
- D.** Upon written request from a candidate, the Commission shall determine whether a planned campaign expenditure or fund-raising activity is permissible under the Act. To make a request, a candidate shall submit a description of the planned expenditure or activity to the Commission. The Commission shall inform the candidate whether an enforcement action will be necessary if the candidate carries out the planned expenditure or activity. The Commission shall ensure that the candidate can rely on a "no action" letter. A "no action" letter applies only to the candidate who requested it.

R2-20-105. Determining Contributions and Expenditures

- A.** The Commission shall use A.R.S. Title 16, Chapter 6 and rules made under that Chapter to determine whether a candidate has received a contribution for all purposes of the Act.
- B.** The Commission shall use the provisions of the Act and the rules in this Chapter to determine whether a candidate or another has made an expenditure for purposes of the Act. If there is no applicable provision in the Act or these rules, the Commission shall apply the law and rules of the Office of the Secretary of State.
- C.** "Contribution" does not include a candidate's use of the candidate's personal telephones, personal electronic equipment, personal utilities subscriptions, and similar property and services acquired or maintained primarily for personal or family purposes and not for campaign purposes.

R2-20-106. In-kind Contributions

- A.** The use of a candidate's real or personal property except a motor vehicle or aircraft by the candidate or the candidate's campaign committee in an election campaign is not an in-kind contribution by the candidate if:
 1. The property was originally acquired with personal (not business, labor union or political) funds and used by the candidate or a family member primarily for personal, family, or household purposes, and
 2. The property continues to be used by the candidate or a family member primarily for personal, family or household purposes.
- B.** The use of the following property of a candidate or a family member in the candidate's campaign is not an in-kind contribution and expenses associated with its use shall not be reimbursed:
 1. The principal residence of the candidate including any office in the personal residence and the mortgage or rental payment, utilities, and all expenditures relating to the principal residence;
 2. The phone service at the principal residence and service charges including long-distance service and toll charges;
 3. One fax machine;
 4. One personal computer;
 5. One cellular phone and charges; and
 6. All miscellaneous service charges and maintenance and repair expenses associated with any of the above.

R2-20-107. Candidate's Use of Personal Motor Vehicle or Aircraft

- A.** If a motor vehicle owned or leased by a candidate is used in the candidate's campaign, the per mile amount allowed at the time by the Arizona Department of Administration to state employees as reimbursement shall be considered an in-kind contribution of the candidate unless a reasonable reimbursement of at least 10¢ per mile from the candidate's campaign account is paid within 30 days. A campaign committee may reimburse a candidate for campaign use of a personal motor vehicle if records to substantiate mileage and use for campaign purposes are kept and filed with a request for reimburse-

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ment. A campaign committee may not reimburse the costs of gasoline, oil, repairs, maintenance, or insurance as a campaign expense.

- B.** Aircraft owned or leased by a candidate and used in the candidate's campaign is an in-kind contribution by the candidate equal to the fair market hourly rental rate charged commercially for similar aircraft unless reimbursed from the candidate's campaign committee.

R2-20-108. Commission Procedures for Disbursements

- A.** The Commission shall not disburse monies to a qualifying candidate before January 2 of an election year.
- B.** Within 10 days from the date the Secretary of State certifies candidates for the ballot a participating candidate who receives monies from the Fund and who is not certified for the ballot shall refund the full amount received from the Fund minus any amounts expended or obligated to pay any campaign-related debts incurred prior to the date the campaign ended.
- C.** Before disbursing funds during a candidate's qualifying period, the Commission shall review the candidate's application for funding and all relevant facts and circumstances and:
1. Verify that the number of signatures on the candidate's nominating petitions equals or exceeds the number required pursuant to A.R.S. § 16-322 as follows:
 - a. If the application is submitted before the March 1 voter registration list is determined, the Commission shall verify that the number of signatures on the candidate's nominating petitions equals or exceeds 115% of the number required pursuant to A.R.S. § 16-322 based on the prior election voter registration list as determined by the Secretary of State; or
 - b. If the application is submitted after the current year March 1 voter registration list is determined the Commission shall verify that the number of signatures on the candidate's nominating petitions is equal to or greater than the number required pursuant to A.R.S. § 16-322.
 2. Determine that the required number of qualifying contributions have been received and paid to the Secretary of State for deposit in the Fund; and
 3. Determine whether the candidate is opposed in the election. The Commission shall consider a candidate as being opposed in the election for purposes of this Section when a qualified participating candidate is opposed for the same office in that candidate's primary, or will be opposed in the general election because another candidate for the same office is seeking the nomination of another party, or will be opposed in the general election because an independent candidate is seeking the same office.
- D.** In making the reviews, verifications, and determinations in subsection (C)(3), the Commission shall consider all relevant facts and circumstances, and it shall not be bound by election formalities such as the filing of nominating petitions by others in determining whether an applicant is opposed. Among other evidence the Commission may consider is the existence of exploratory committees or filings made to organize campaign committees of opponents and other like indicia.
- E.** Upon its own initiative or a written request from a candidate, the Commission may review and affirm or change its determination that the candidate is or is not opposed until the ballot for the election is established.
- F.** Within 7 days after a primary election and before the Secretary of State completes the canvass, the Commission shall disburse monies for general election campaigns to the participating candidates who received the greatest number of votes at each primary election, provided that the candidate with the highest number of votes has at least 2 percentage points, of the total votes cast, greater than the candidate with the next highest votes based on the unofficial results as of that date. In a legislative race for the Arizona House of Representatives, the Commission shall disburse monies for general election campaigns to participating candidates with the highest or second highest number of votes cast, provided such candidate received votes totaling at least 2 percentage points, of the total ballots cast, larger than the vote total cast for the candidate with the 3rd highest vote total.
- G.** Promptly after the Secretary of State completes the canvass, the Commission shall disburse monies for general election campaigns to all eligible participating candidates to whom payment has not been made. If a participating candidate has received monies from the Commission pursuant to subsection F and the canvass or recount determines that the candidate is not eligible to appear on the general election ballot, the participating candidate shall return all unused monies to the fund within 10 days after such determination is made public.

R2-20-109. Procedures for Verifying Original Reporting Slips

- A.** If the total number of reporting slips submitted by a candidate to the Secretary of State minus the number of disqualified reporting slips used in the random sample required by Section 16-950(C) equals less than the number of qualifying contributions required for the office sought by the candidate, the Commission shall deny the candidate's application for funding without further verification.
- B.** If a candidate submits a list to the Secretary of State under A.R.S. § 16-950(B) that contains fewer names of persons making qualifying contributions than is required for the office sought by the candidate, the Secretary of State may refuse to accept the list, original reporting slips, or amount tendered for deposit in the Fund.
- C.** Provided that the qualifying period has not expired, a certified candidate whose application for funding is denied may reapply for funds pursuant to A.R.S. § 16-950 and may resubmit reporting slips not disqualified in a prior application.

- D. Qualifying contributions received with disqualified reporting slips shall be deposited in the Fund.
- E. Qualifying contributions collected by a candidate seeking election to one office may not be used by that candidate for any other office.

R2-20-110. Reporting Procedures and Requirements

- A. Each elections official shall promptly transmit to the Commission (in electronic or tangible form) any campaign report that is tendered to the official including one that is not accepted for filing as a result of an incorrect filing, mistake, tardiness, defect, or omission.
- B. In each campaign finance report, a candidate shall list:
 - 1. Any extensions of credit made after the date of the previous report;
 - 2. All debts under bills or contracts that are due and payable on or before the date of the report; and
 - 3. All debts for goods or services received on or before the date of the report.
- C. For the sole purpose of timing equalizing payments to a participating candidate under A.R.S. § 16-952, if at any time during a general election period the total expenditures of an opposing non-participating candidate who has surpassed the general election spending limit exceed the total contributions to the non-participating candidate during the election cycle to date, the Commission shall presume:
 - 1. An extension of credit to the non-participating candidate is matched by a contribution to the non-participating candidate at the time the credit is extended; and
 - 2. An unpaid debt of the non-participating candidate is matched by a contribution to the non-participating candidate on the date the debt becomes due and payable, or the date the goods or services giving rise to the debt are received, whichever is earlier.
- D. Neither extensions of credit nor unpaid debts shall be presumed to be contributions to a candidate by the creditor for any other purpose by virtue of this rule.

R2-20-111. Refunding Unused Campaign Funds

- A. With a campaign financial report filed immediately prior to, on, or first following an election day, each candidate shall include a recap of all expenditures made in connection with such election, all contributions received in the election cycle in which such election occurs, and if a participating candidate all payments made from such candidate's campaign fund to the Citizens Clean Elections Fund.
- B. If the recap shows any amount unspent by a participating candidate, the report shall be accompanied by a check from the candidate's campaign account which will refund to the Fund all unspent monies provided by the Fund.

R2-20-112. Books and Records Requirements

- A. All candidates shall maintain at a single location within the state the books, records of financial transactions, and other information required by law. Such location shall in all cases be that of the principal headquarters of the candidate's campaign, and at such location all such information shall be made available for inspection by the Commission during the regular business hours of the Commission.
- B. The location of each candidate's principal campaign headquarters may be maintained in the same County as that of the principal residence of the candidate or in Maricopa County.

R2-20-113. Withdrawal or Resignation of a Participating Candidate

- A. A participating candidate who has been certified pursuant to A.R.S. § 16-947 may resign or withdraw by notifying the Commission and returning to the Fund all public funds except any amounts expended or obligated to pay any campaign-related debts incurred prior to the date the campaign ended. A candidate who has applied and received certification as a participating candidate pursuant to A.R.S. § 16-947, may not seek election to any other public office during that election cycle, except as a participating candidate. A participating candidate who resigns prior to submitting an application for funds and qualifying contributions to the Secretary of State shall use the candidate's best efforts to return all qualifying contributions collected to the contributors. If a contributor cannot be located, the qualifying contributions collected by the candidate shall be remitted to the Fund.
- B. The Commission shall not disqualify for funding a participating candidate who before applying for funds, has notified the Commission that the candidate seeks to run for another office as a participating candidate.

NOTICE OF FINAL RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 6. DEPARTMENT OF AGRICULTURE
OFFICE OF COMMODITY DEVELOPMENT AND PROMOTION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| Article 2. | New Article |
| R3-6-201. | New Section |
| R3-6-202. | New Section |
| R3-6-203. | New Section |
| R3-6-204. | New Section |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 3-107(A)(1)

Implementing statute: A.R.S. § 3-109.02
- 3. The effective date of the rules:**

April 5, 2000
- 4. A list of all previous notices appearing in the Register addressing the rule:**

Notice of Rulemaking Docket Opening: 5 A.A.R. 1540, May 21, 1999; 5 A.A.R. 2058, June 25, 1999; 5 A.A.R. 4007, October 22, 1999

Notice of Proposed Rulemaking: 6 A.A.R. 4, January 3, 2000
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Shirley Conard, Rules Specialist

Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: shirley.conard@agric.state.az.us
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking establishes a joint-venturing activity that partners the Department with any business or commodity group seeking to advertise or promote an Arizona agricultural-related product.

After submitting an application describing the joint-venture activity's objectives and benefits to the state, and if the standards listed in R3-6-203 are met and the applicant agrees to the terms of R3-6-204, the Department will provide matching funds for the advertising or promotional joint-venture activity. The joint-venture, of course, is dependent upon funds being available.
- 7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable
- 9. The summary of the economic, small business, and consumer impact:**

A. *The Arizona Department of Agriculture.*

Beginning in July 1996 (FY '97), the Arizona Grown program received a legislative appropriation of \$25,000. In FY '98 the appropriation was raised to \$50,000 and has remained at this amount.

The administration of this program allows the Department the opportunity to determine how best to serve Arizona's agricultural industry through the granting of joint-venture funds.

This rulemaking ensures that interested parties are clearly apprised of the requirements to participate in the joint-venture program.

B. Political Subdivision.

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

C. Businesses Directly Affected By the Rulemaking.

Any business or commodity group wanting to educate consumers about the availability, quality, and variety of Arizona agricultural products is qualified to participate in the joint-venture program. The joint-venture program works in conjunction with the *Arizona Grown* program in “getting out the message” about agricultural products grown in Arizona.

D. Private and public employment.

Private and public employment is not directly affected by the implementation and enforcement of this rulemaking.

E. Consumers and the Public.

Consumers and the public are not directly affected by the implementation and enforcement of this rulemaking. However, through the joint-venture program, consumers and the public will have more marketing exposure to Arizona agricultural products.

F. State Revenues.

This rulemaking will have no immediate impact on state revenues. In the long run, however, increasing the marketing of Arizona agricultural products could impact state revenues through increased product sales.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

R3-6-204, Conditions of Participation. The level of participation in the joint-venture activity ultimately depends upon the availability of general fund monies and on the beneficial impact upon agriculture in Arizona. Specifying a participant’s financial responsibility in subsection (1) does not allow the Department the latitude to provide a larger amount of funding. The appropriate change has been made.

Minor grammatical changes were made at the request of the G.R.R.C. staff.

11. A summary of the principal comments and the agency response to them:

None

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 6. ARIZONA DEPARTMENT OF AGRICULTURE
OFFICE OF COMMODITY DEVELOPMENT AND PROMOTION**

ARTICLE 2. JOINT-VENTURES

Section

R3-6-201. Definitions

R3-6-202. Joint-Venture Procedures

R3-6-203. Standards for Participants

R3-6-204. Conditions of Participation

ARTICLE 2. JOINT-VENTURES

R3-6-201. Definitions

The following term applies to this Article:

“Joint-venture activity” means an advertising or promotional activity of an Arizona agricultural product, by the Department and 1 or more businesses or commodity groups.

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R3-6-202. Joint-Venture Procedures

Any business or commodity group may apply to participate in a joint-venture activity by submitting an application to the Department. The application shall contain:

1. The name, title, address, and telephone number of the applicant;
2. The applicant's social security number, if applying as an individual;
3. The title of the proposed joint-venture activity;
4. The beginning and ending dates of the joint-venture activity;
5. The name, address, and telephone number of the contact person, if different from the person named in subsection (1);
6. An in-depth description of:
 - a. The joint-venture activity objectives, including specific need, problem, or opportunity the proposed joint-venture activity will address, and the agricultural importance of implementing the joint-venture activity;
 - b. The overall background and approach used to address the need or opportunity;
 - c. The economic development potential of the joint-venture activity measured in terms of job creation, capital investment, or other identifiable economic joint-venture activity;
 - d. A statement regarding the degree of innovation or originality of the proposed joint-venture activity;
 - e. Whether the joint-venture activity involves applied research and how it relates to other activities, if applicable;
 - f. The desired target market, organizations involved, joint-venture activity leader, and products being promoted.
 - g. The final result and how the proposed joint-venture activity will be made available and benefit the Arizona agriculture industry.
7. A work plan describing the joint-venture activity's implementation, including the tasks to be performed, by who and where the tasks will be conducted, and a timetable for completion. The work plan shall demonstrate the feasibility of conducting the proposed joint-venture activity and achieving the desired results.
8. The commercial application and recipients benefitting from the proposed joint-venture activity.
9. A detailed budget, indicating how the matching funds will be used and the amount of the applicant's or industry contribution.

R3-6-203. Standards for Participants

In determining whether to enter into a joint-venture, the Department shall consider the following standards:

1. The degree to which the proposed joint-venture activity addresses a significant agriculture industry need or opportunity.
2. The applicant's experience in marketing an agricultural product in the market selected.
3. The potential beneficial impact of the joint-venture activity to agriculture in Arizona.
4. The supplemental impact on the Department's marketing objectives.
5. The financial interest of the Department, and
6. The applicant's compatibility with the marketing philosophy of the Department.

R3-6-204. Conditions of Participation

If the Department decides to enter into a joint-venture with an applicant, the applicant shall agree to the following conditions:

1. The applicant shall supply the amount of cash contribution determined by the Department for the joint-venture activity.
2. The state shall pay no monies before receipt of the services.
3. The Director shall be the final authority for all joint-venture activities.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

PREAMBLE

- | | |
|--|--|
| <u>1. Sections Affected</u>
R4-45-102 | <u>Rulemaking Action</u>
Amend |
| <u>2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u>
Authorizing statutes: A.R.S. § 32-3504(A)(2)
Implementing statutes: A.R.S. § 32-3526, § 39-121.03, § 41-1092.07.E | |
| <u>3. The effective date of the rules:</u>
April 4, 2000 | |

Notices of Final Rulemaking

4. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 5 A.A.R. 4614, December 17, 1999

Notice of Rulemaking Docket Opening: 5 A.A.R. 4660, December 17, 1999

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mary Hauf Martin, Executive Director

Address: Board of Respiratory Care Examiners
1400 West Washington, Suite 200
Phoenix, Arizona, 85007

Telephone: (602) 542-5995

Facsimile: (602) 542-5900

6. An explanation of the rule, including the agency's reasons for initiating the rule:

The Board has not raised fees since 1996. If the Board does not raise fees, it will not be able to continue to operate. The amount of the increase is the lowest possible amount that will allow the Board to continue its operations. The fee for filing an application is not changing. The fees for an initial license (valid for 2 years) and for biennial renewal of a license are increasing from \$85 to \$100. The fee for an initial license based on foreign training (valid for 2 years) is increasing from \$150 to \$200. There is no fee for a temporary license. The fee for renewing a temporary license is increasing from \$25 to \$75. The fee for issuing a duplicate license certificate and/or license card is increasing from \$10 to \$25. The Board is increasing the fee charged to verify an Arizona license to another state. The fee for individuals who hold current licenses is increasing from \$10 to \$25; and for individuals who have allowed their licenses to lapse, the fee is increasing from \$10 to \$50. The Board is leaving the fee for copies of its licensee list for non-commercial purposes the same, and is raising the fee to \$500 for commercial purposes. The Board is increasing the fee charged for processing fingerprints for criminal background checks (sending fingerprint cards to DPS and the FBI and then processing the results) of license applicants from \$36 to \$50. The Board has statutory authority for all of the fees. While the rules package includes fees charged by the Board that are set forth in A.R.S. Titles 39 and 41, this is the first time these fees are being specified in the Board's rules, and thus there are new fees for copying, copies of audiotapes, and transcripts.

7. A reference to any study that the agency relied on its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, and analysis of the study, and other supporting material.

Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The rules have minimal financial impact. The amount of the increase is the lowest possible amount that will allow the Board to continue its operations.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Technical changes made at the suggestion of G.R.R.C. staff.

11. A summary of the principal comments and the agency response to them:

None

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

Arizona Administrative Register
Notices of Final Rulemaking

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

R4-45-102. Fees

ARTICLE 1. GENERAL PROVISIONS

R4-45-102. Fees

- A. The Board shall charge the following fees:
1. Application for a license, \$100;
 2. Application based on a diploma from a foreign respiratory therapy school, ~~\$150~~ \$200;
 3. Initial license, ~~\$85~~ \$100;
 4. Biennial renewal of a license, ~~\$85~~ \$100;
 5. Renewal of a temporary license, ~~\$25~~ \$75;
 6. Verifying an Arizona license to another state, ~~\$10~~
 - a. Current valid license \$25;
 - b. Expired license \$50;
 7. Duplicate license or duplicate wallet license card, ~~\$10~~ \$25;
 8. Copy of the Board's Respiratory Care Practitioner List compiled under A.R.S. § 32-3504(A)(7),
 - a. Noncommercial \$25;
 - b. Commercial \$25 or the amount allowed under A.R.S. § 39-121.03(A), whichever is greater;
 9. Insufficient funds check submitted to the Board as payment of any fee, \$25;
 10. Fingerprint fee, under A.R.S. § 41-1008(C), in the form of a certified check or money order, ~~\$36~~ \$50;
 11. Transcription of hearing under A.R.S. § 41-1092.07.E.
 - a. Copy of audiotape \$25;
 - b. Any party that requests a transcript of a proceeding shall pay the costs of the transcript to the court reporter or other transcriber.
 12. Photocopying under A.R.S. § 39-121.03, \$1 per page.
- B. With the exception of the fingerprint fee specified in subsection (A)(10), all fees shall be payable to the Board of Respiratory Care Examiners by personal check, cashier's check, or money order. All fees remitted to the Board are non-refundable except as provided in A.R.S. § 41-1077.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL

PREAMBLE

- | | |
|--|--|
| <p><u>1. Sections Affected</u>
R4-46-401</p> <p><u>2. The specific authority for the rulemaking, including the authorizing statute (general) and the statutes the rules are implementing (specific):</u>
Authorizing statute: A.R.S. § 32-3605(A)
Implementing statutes: A.R.S. §§ 32-3605(B)(1) and 32-3635(A)</p> <p><u>3. The effective date of the rules:</u>
April 4, 2000</p> <p><u>4. A list of all previous notices appearing in the Register addressing the final rules:</u>
Notice of Rulemaking Docket Opening: 6 A.A.R. 296, January 7, 2000
Notice of Proposed Rulemaking: 6 A.A.R. 312, January 14, 2000</p> | <p><u>Rulemaking Action</u>
Amend</p> |
|--|--|

Notices of Final Rulemaking

5. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Edward C. Logan
Address: Board of Appraisal
1400 W. Washington, Suite 360
Phoenix, Arizona 85007
Telephone: (602) 542-1543
Fax: (602) 542-1598

6. An explanation of the rule, including the agency's reasons for initiating the rule:

All rules are written to comply with the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and state statutes applicable to real estate appraisers. The change in the existing rule is to comply with Title XI and A.R.S. § 32-3635 (A).

7. A reference to any study the agency relied on in its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying the study, any analysis or review of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

R4-46-401 is being changed to adopt the latest standards of practice in the profession, as required by federal law. The primary groups that would be affected would be the Board of Appraisal, the licensed or certified appraisers, and the public. This is a yearly exercise, and there should be no appreciable change in the economic impact. The key features of the 2000 USPAP are in the Format; Ethics Rule; Competency Rule; Definitions; Standards 1, 2, 3, 7, 8, 9 and 10; Statements 1, 3, 4, 6, 7, and 9; and Advisory Opinions. Cost for the new edition is \$25.00. The cost is a deductible business expense. The person at the Board of Appraisal to contact to submit or request additional data is:

Edward C. Logan, Executive Director
1400 West Washington, Suite 360
Phoenix, Arizona 85007

10. A description of the changes between the proposed rules, including supplemental notices, and final rules:

None

11. A summary of the principal comments and the agency response to them:

Only two responses were received and both supported the proposed change:

Phoenix Chapter of the Appraisal Institute, and the Arizona Appraisers Coalition.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Uniform Standards of Professional Appraisal Practice, 2000 Edition, published by the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, DC 20005-3517; (202) 347-7722; or, www.appraisalfoundation.org.

The location in the rules is R4-46-401.

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 46. BOARD OF APPRAISAL

ARTICLE 4. STANDARDS OF PRACTICE

Section

R4-46-401. Standards of Appraisal Practice

ARTICLE 4. STANDARDS OF PRACTICE

R4-46-401. Standards of Appraisal Practice

Every state-licensed or certified Appraiser, in performing the acts and services of a state-licensed or certified Appraiser, shall comply with the Uniform Standards of Professional Appraisal Practice (USPAP), ~~1999~~ 2000 edition, published by the Appraisal Foundation, which is incorporated by reference and on file with the Board and the Office of the Secretary of State. This incorporation by reference contains no future additions or amendments. A copy of the USPAP may be obtained from the Appraisal Foundation.